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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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10 JUAN and JUANA DOMINGUEZ,

11 Plaintiff,

No. 09-3611 EDL

12 v.  
13 EXCEL MANUFACTURING, INC.,

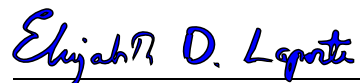
14 Defendant.

**ORDER GRANTING IN PART AND  
DENYING IN PART MOTION TO  
COMPEL**

15 This is a personal injury action against a machine manufacturer relating to injuries sustained by  
16 Plaintiff during his use of a “horizontal baler” machine” in the course of his employment. Fact  
17 discovery closed on August 10, 2010. On August 17, 2010, the last day to file the motion under  
18 Local Rule 26-2, Plaintiff filed a motion to compel relating to his request for production of  
19 documents. For the reasons stated during oral argument, Plaintiff’s Motion is GRANTED IN PART  
20 and DENIED IN PART. Defendant is hereby Ordered to provide a declaration of the person most  
21 knowledgeable with respect to Defendant’s search efforts regarding safety labels, and the parties are  
22 Ordered to further meet and confer on this issue. With respect to requests 5 and 10, Defendant’s  
23 objection that the information is equally available to Plaintiff is overruled. Defendant is Ordered to  
24 produce documents responsive to these requests that are within its custody or control.

25 **IT IS SO ORDERED.**

26 Dated: September 21, 2010

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28 ELIZABETH D. LAPORTE  
United States Magistrate Judge